



NORTH SLOPE
SUBSISTENCE REGIONAL
ADVISORY COUNCIL
Meeting Materials

*August 22 - 23, 2018
Utqiagvik*



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On the cover...

Arctic National Wildlife Refuge protects wildlife, wilderness and recreational values, conserves natural diversity, and provides opportunities for subsistence uses.



USFWS photo by Steve Hillebrand

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NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

Inupiat Heritage Center
Utqiagvik

August 22 - 23, 2018
9:00 am ~ 5:30 pm daily

TELECONFERENCE: call the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862.

PUBLIC COMMENTS: Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. Please fill out a comment form to be recognized by the Council chair. Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule.

PLEASE NOTE: These are estimated times and the agenda is subject to change. Contact staff for the current schedule. Evening sessions are at the call of the chair.

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*)..... 3
- 4. Welcome and Introductions** (*Chair*)
- 5. Review and Adopt Agenda*** (*Chair*) 1
- 6. Review and Approve Previous Meeting Minutes*** (*Chair*) 4
- 7. Reports**
 - Council Member Reports
 - Chair’s Report
 - 805c Report on the Federal Subsistence Board action on wildlife proposals 18
- 8. Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 9. Old Business** (*Chair*)
 - Review FY2017 Annual Report Reply from the Federal Subsistence BoardSupplemental
- 10. New Business** (*Chair*)

- a. Fisheries Resource Monitoring Program Priority Information Needs*Supplemental
- b. Notice of Funding Opportunity for the Partners for Fisheries Monitoring Program
- c. Identify Issues for FY 2018 Annual Report*26

11. Agency Reports

(Time limit of 15 minutes unless approved in advance)

- Tribal Governments
- Native Organizations
- Fisheries Resource Monitoring Program - North Slope region project reports
- Alaska Department of Fish and Game
- Gates of the Arctic National Park and Preserve
- US Fish and Wildlife Service
 - Arctic National Wildlife Refuge
 - Barrow Field Office
- Bureau of Land Management NPR-A28
- Special Action Updates (if any)
- Office of Subsistence Management

12. Future Meeting Dates*

- Confirm winter 2019 meeting date and location30
- Select fall 2019 meeting date and location31

13. Closing Comments

14. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Eva Patton, 907-786-3358, eva_patton@fws.gov, or 800-877-8339 (TTY), by close of business on August 14, 2018.

REGION 10
North Slope Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	1998 2020	Gordon R. Brower Utqiagvik Chair
2	2011 2019	Robert V. Shears Utqiagvik
3	2016 2019	Wanda T. Kippi Atqasuk Secretary
4	2015 2019	Steve A. Oomittuk Point Hope
5	2017 2020	Fredrick Neakok Utqiagvik
6	2017 2020	Jerry Sikvayugak Anaktuvuk Pass
7	2020	VACANT
8	2016 2018	Esther S. Hugo Anaktuvuk Pass
9	2006 2018	Lee Kayotuk Kaktovik Vice Chair
10	2002 2018	Rosemary Ahtuanguaruak Nuiqsut

NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

**North Slope Borough Assembly Chamber
Utqiagvik, Alaska**

February 14-15, 2018

MEETING MINUTES

Council Members Present:

Gordon Brower
Lee Kayotuk
Rosemary Ahtuanguaruak
Robert Shears
Steve Oomittuk
Ester Hugo
Jerry Sikvayugak
Wanda Kippi (via teleconference)

Meeting Attendees:

Eva Patton, Council Coordinator, Office of Subsistence Management
Joshua Ream, Anthropologist, Office of Subsistence Management
Robbin Lavine, Anthropologist, Office of Subsistence Management
Vince Mathews, Subsistence Coordinator for Arctic, Kanuti and Yukon Flats
Dan Sharp, Bureau of Land Management, Interagency Staff Committee
Ryan Klimstra, Wildlife Biologist, Alaska Department of Fish and Game, Fairbanks
Carmen Daggett, Wildlife Biologist, Alaska Department of Fish and Game, Kotzebue
Glenn Chenn, Interagency Staff Committee, Subsistence Branch Chief, Bureau of Indian Affairs
Pat Petrivelli, Interagency Staff Committee, Subsistence Branch Chief, Bureau of Indian Affairs
Stacey Fritz, Anthropologist, Bureau of Land Management, Arctic Field Office, Fairbanks
Bernadette Adams, North Slope Borough, Utqiagvik
Felipe Farley, North Slope Borough Law Dept., Utqiagvik
Roy M. Nageak, Sr., Utqiagvik

Via teleconference:

Marcy Okada, Subsistence Coordinator, Gates of the Arctic National Park.
Clarence Summers, National Park Service, Interagency Staff Committee
Hannah Atkinson, Anthropologist, National Park Service, Kotzebue
Orville Lind, Native Liaison, Office of Subsistence Management
Brendon Scanlon, Fisheries Research Biologist, Alaska Department of Fish and Game, Fairbanks
Beth Lenart, Wildlife Biologist, Alaska Department of Fish and Game, Fairbanks
Darren Bruning, Area Management Biologist, Alaska Department of Fish and Game, Fairbanks
Tony Gorn, Area Management Biologist, Alaska Department of Fish and Game, Nome
Mark Burch, Area Management Biologist, Alaska Department of Fish and Game, Palmer

Phillip Perry, Regional Management Coordinator for Alaska Department of Fish and Game, Bethel.

Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game

Brian Person, Biologist, North Slope Borough Division of Wildlife Management

Mark Richards, executive Director Resident Hunters of Alaska, Fairbanks

Neil DeWitt, WACH working group member, Anchorage

Welcome and introductions

Council Chair, Gordon Brower welcomed everyone to the meeting and opened with an invocation and asked for introductions from all participating in person and by teleconference.

Roll Call

Members present: Gordon Brower, Lee Kayotuk, Rosemary Ahtuanguak, Robert Shears, Steve Oomittuk, Esther Hugo, Jerry Sikvayugak, Wanda Kippi (via teleconference because flight was canceled due to weather). Newly appointed Council member Frederick Neakok was excused to attend to health and safety review of a recent fire affecting the Anaktuvuk Pass school building. Eight of nine current Council members present. Quorum was established.

Moment of Silence and Remembrance for James Nageak of Anaktuvuk Pass.

Review and Adopt Agenda

Agenda approved with some revisions to order and add revisit of one federal subsistence proposal regarding Unit 23 caribou under Old Business. Review of the new North Slope Subsistence Regional Advisory Council Charter was also added to the agenda. Arctic Landscape Conservation Cooperative was removed from the agenda since they were no longer able to participate in the meeting.

Review and Approve Previous Meeting Minutes

Meeting minutes approved with corrections to spelling of names: Steve Oomittuk needed two “t”s and Esther Hugo was missing an “h” in her first name.

Council Member Reports

Gordon Brower (Utqiagvik) noted that the time from the last North Slope meeting in November to this meeting had been a very mild winter but the caribou seem to be doing good this year. Gordon highlighted that after years of teaching his son and taking him to their cabin to go hunting since he was a young child that he is now able to hunt on his own. He noted that there were caribou about 80 miles from Utqiagvik near their camp and his son harvested a good sized caribou that still had a lot of fat on it yet. Other hunters in the area also reported that the caribou were nice and fat. Gordon expressed his happiness for the young folks as they start to become aware of the community subsistence needs and are willing to help take care of these things.

One issue of concern reported by Gordon’s relatives and others in the region is seeing worms in the flesh of the caribou through the muscle and up along the backbone. While this is not uncommon to see parasite in the organs on occasion caribou are considered a very clean animal,

the meat is always good and does not require cooking to eat it. He shared the he likes to make pirruoq (fermented raw) and quak (frozen caribou eaten raw). Gordon expressed alarm because he never saw anything like worms in the muscle of caribou when he was growing up and was worried if this was a trend that they would see more of in the future that would affect the health of their subsistence foods and wondered if it would be safe to eat how they like it in the traditional way. Gordon requested that biologists and other that study caribou investigate these changes and new parasites.

Robert Shears (Utqiagvik) said he has not had the opportunity to participate in subsistence activities on the North Slope you need time, physical energy, and you must have support from others, you cannot subsist alone. Last year he buried all his subsistence partners. Terrible year. He moved from Wainwright to Utqiagvik. He is currently renting but needs space to spread out to take care of his resources and technology, and to rebuild a network of hunting partners.

Esther Hugo (Anuktuvuk Pass) said their fall caribou came after rutting season and were all up in the mountains. Her brother in law had to travel far to get them because they were high up in the mountains to get away from the wolves. She said there are a lot of rabbits now, and also a lot of weasels and they have to be careful of how their food is stored because the weasels are getting into their Arctic Entryways. Esther reported there was hardly any snow, hardly any trapping, and much of the waterways are still open and this makes travel across the landscape is hard. But now there are a lot of caribou around and that makes her happy.

Steve Oomittuk (Point Hope) said the people of the North Slope have lived in a cycle and always knew when the animals were coming. But the last ten years migration patterns have changed. He said the people of Point Hope mainly hunt in the ocean, but when the food wasn't abundant, there was always caribou, usually coming through the area in July. Recently the caribou have come late, around August. Freeze up is also coming later and later. The icepack, they didn't come until January. And a lot of east wind, he hasn't seen so much east wind which keeps the ice from the shore. The ice usually brings the animals like seal and walrus. They are seeing a greater difference in species. There is more king salmon, and the abundance of char has been good. But the whale is the center of everything for the people of Point Hope. The whale meat is stored in ice cellars. The whale's tail, is fermented. This year the whale's tail wasn't taken out until Thanksgiving when they are used to having it in the beginning of October. This is happening because the ice is late. They usually gather eggs the end of June and first part of July. But eggging has become dangerous. There were a lot of slides, full sections of cliffs have dropped off around Cape Thompson where the people gather eggs. Since the closure for the harvest of caribou to nonresidents, they've seen an abundance of caribou coming back in their natural migration routes. He reports that the caribou was plentiful this year compared to the last ten years. He also reports that he was aware the migration might have been a little late, especially around the Kotzebue area. Migration patterns are changing because of the weather. They've seen a lot of changes. When multiple generations have lived off the land and all rely on this cycle of life, this generation has seen more changes than any other. Warmer, ice is late, coastal erosion, open water has more than doubled in the last ten years. Point Hope has been occupied continuously for thousands of years. Anthropologists have identified some 300 structures, the doors face the west. Now with this east wind we can wonder if they saw this kind of weather before. He reports a harvest of a few beluga and ten whales last year. Concerned about the

opening of the Northwest Passage. What will people, travelers bring? Sewage from their boats? “Our ocean is very delicate.”

Lee Kayotuk (Kaktovik) noted that their ice is melting too early, too fast. They were not able to hunt for Brants during the spring time. The village got about 15 caribou, so it was a poor hunt for the village last summer. They got one moose on a Federal permit. Couldn’t find a second moose. They were lucky to harvest one. They will be allowed to hunt 2 this year. They have muskox showing up on the Hulahula River, some wolves and wolverines. Lots of Arctic Char. Last year was a poor year for fish because a lot of otters came around.

Rosemary Ahtuanguaruak (Nuiqsut) reported that her second oldest son was able to harvest a bear. The hunters have complained about changes, and the new road may have effected caribou migration. Many hunters have been able to harvest caribou but not as much as is needed. Others mentioned that being able to get on the gravel road is a concern to hunting practice. Changes in activities have effected access and migration patterns. Fish quality is poor. Worms and mold. A number of people have been able to get out around in the region, but open water has prevented many from traveling for spring hunting. Now hunters are deciding to travel in groups in order to be safe. Concerned about people falling through the ice. There is also concern about the late migration and the health of the caribou. Caribou were in good shape later in the year... has the rut delayed? Some animals harvested late in October had not been through the rut. Concern for caribou productivity and recruitment in the future. They had a colder summer so poor berry harvest this fall. They extended their sharing network to other villages for berries and to ensure access to all the foods they require. There a number of muskox that were hit/killed along the Dalton Road. That knocked down the herd. A lot of families would appreciate the meat if it can be salvaged.

Jerry Sikvayugak (Anaktuvuk Pass) noted that he is a new Council member and learning and observing and will provide observations from his community. Jerry relayed that changing freezing patterns make it hard to access areas for hunting. The community of Anaktuvuk Pass has been working every year with the North Slope Borough and ADF&G to address issues with sport hunters and impacts to the community subsistence activities and caribou. He stressed that the main food for the community of Anaktuvuk Pass is caribou and the fish. Jerry asked the State, Federal, and North Slope Borough to help to address these issues of concern for Anaktuvuk Pass. They are looking forward to getting it solved. He realizes it won’t happen overnight but that he is happy to be here to help have a voice for his village.

Election of Officers

Chair: Gordon Brower elected by unanimous consent.
Vice Chair: Lee Kayotuk elected by unanimous consent.
Secretary: Wanda Kippi elected by unanimous consent.

Public and Tribal Comments on Non-Agenda Items

Mark Richards, executive director of Resident Hunters of Alaska called in with his comments on the status of the Central Arctic Caribou Herd. He stressed that he is all about putting residents

first and wanted the non-resident hunters to bear the brunt of harvesting restrictions, but that has not happened through the State of Board of Game process. Mark expressed that he would like to work with the Federal Subsistence Councils on ensuring residents are able to continue to hunt on Federal lands. He noted that he supported working towards a better system to limit hunters where the non-resident hunters are restricted first. He noted that the Federal Subsistence Program only recognized federally qualified and non-federally qualified are all treated equally whether they are State residents or not. Mark expressed that he would like to work with the Council in the future on a State proposal that may address this.

Old Business

Reconsideration of WP18-46/47

Joshua Ream, Office of Subsistence Management provided the Council with an overview and updated analysis for WP18-46/47 which requests to close harvest of caribou to non-Federally qualified users in Unit 23. The Council took action on WP18-46/47 at their fall meeting but were requested to revisit it for reconsideration based on new caribou population data provided by ADF&G. The Council deliberated on the new information for reconsideration of their recommendation to support WP18-46/47 in light of the new ADF&G report. The full proposal will go before the Board in April, 2018. Council Chair Gordon Brower stressed that this one season of new caribou data “is a blip at this point” and does not establish a trend yet to confirm that the caribou herd is indeed on the rebound. The Council also discussed concerns that this most recent caribou photo census data was using new technology and could not yet be determined if the higher population count was due to the improved technology or actual increase in the caribou population.

The Council discussed making recommendations in order to protect the subsistence user and the original effort in this proposals was to protect unit 23 as a whole. The Council discussed that their original recommendation was made to be protective of the villages in Unit 23 and to limit the harvest of non-federally qualified hunting activity that has been documented to impact traditional hunting activities on federal lands in the area. The Council discussed their recommendation to not change their original recommendation or go with a smaller targeted closure which they felt would weaken the effect of the proposal. The Council noted that this issue will be revisited the issue in the future and the Council would be willing to reconsider after seeing several years of new consecutive data showing a good trend on the caribou herd increasing. The Council further discussed all the conservation measures subsistence hunters have taken forgoing traditional harvest levels decreasing bag limits and season and noted that local communities in Unit 23 had expressed that they felt the closure had helped them to access and harvest caribou this past year.

Public Comments regarding reconsideration of WP18-46. Neil Dewitt called in to comment as a member of the public. He noted that he is a member of the Western Alaska Caribou Herd Working Group but was speaking on his own behalf in opposition to WP18-46 and expressed that hunting caribou on federal lands in Unit 23 should be open as a resource to all Alaskans.

The Council made a motion to take no action in revisiting/modifying original Council recommendation (support as written) on WP18-46. Motion passed unanimously.

New Business

Call for Proposals for Fisheries Regulatory changes. Joshua Ream, Anthropologist for the office of subsistence management provided an overview of the Federal Subsistence Fisheries Regulatory process and opportunity to submit proposals at this time. The Council discussed concerns about environmental change and contaminants impacts to important subsistence fisheries in the region but did not have any regulatory issue or proposals to submit.

The Council discussed concerns regarding changing productivity of habitat and contaminants which cannot be addressed by the Board. However it was noted that the Council can forward on letters of concern to other specific land management agencies. Council member Rosemary Ahtuanguaruak stressed that rural communities we do not have the resources or planning ability to address the kind of environmental and habitat change that impacts the subsistence way of life.

The Council expressed concerns about oil and gas development and transportation infrastructure impacts to important rivers and lakes use for subsistence fishing. Gravel mining and placement has impacts to rivers and streams and seismic testing has long term impacts on important subsistence fishing lakes used in the Utqiagvik area. Local subsistence fishers and elders note that they are not harvesting the same level of fish that they used to in these areas. The Council recognizes that the Federal Subsistence Program cannot address habitat or contaminants issues but the Council wants to stress that these activities are impacting subsistence and fragmentation of management makes it very difficult to find an avenue to address this.

Call for Rural/Non-rural determination. Joshua Ream, Anthropologist, Office of Subsistence Management provided an overview of the current Rural/Non-rural determinations and the call to submit proposals to change the current determinations. In January of 2017, the Federal Subsistence Board adopted a new policy on nonrural determinations that was developed with input from all 10 Regional Advisory Councils. The final policy was presented at the Councils winter 2017 meeting. The policy lays out the requirements for submitting a proposal and a three-year timeline. Proposals submitted during the upcoming call will be considered by the Federal Subsistence Board in January of 2021. The four-year cycle begins concurrent with every other fisheries regulatory cycle. The next call for proposals on regulatory changes to nonrural determinations will not occur until the spring of 2022.

The Council discussed that general concern regarding the change in status for Prudhoe Bay, which reverted back to rural status with passing of this recent regulatory revision. Chair Gordon Brower expressed concern that Prudhoe Bay is an industrial area with 10,000+ employees that are transient and felt that if it had no schools or infrastructure of a community that it should not be considered a rural community and these arguments had already been made when the Board last made the determination in that it was indeed non-rural. Joshua Ream confirmed that rural status applies to residents (not transient workers) and the most recent census for Deadhorse indicated that there were no residents. The Council discussed what criteria are used to determine residency and the process and information needed for submitting a proposal for non-rural determination. It was noted again that the analysis for the non-rural determination that the Board made for Prudhoe Bay in 2006 would still largely apply. The Council expressed concerns about

what effects the current rural determination for an industrial complex would have on subsistence in the region but did not move to submit a proposal at this time.

Fisheries Resource Monitoring Program. Joshua Ream, Office of Subsistence Management Anthropologist provided a brief update on the Fisheries Resource Monitoring Program (FRMP). Budgets had not yet been confirmed to finalize which new projects would be awarded research grants this year. Updates will be provided when available.

The Council working group established to further develop subsistence fisheries priority information needs will re-convene by teleconference prior to the fall 2018 RAC to share updates on fish observations and feedback from subsistence fishers from communities across the region. The Council discussed ongoing concerns about the health of Broad Whitefish Colville River and Ikpikpuk River. Council Chair Gordon Brower also expressed concern about the decline of whitefish in some lakes such as the Taseshearok which is 5 or 10 mile long and has always had abundant whitefish. He noted the lake whitefish have a different taste then those caught in the river.

Partners for Fisheries Monitoring. Joshua Ream and Eva Patton provided the Council with an update on the Partners for Fisheries Monitoring Program call for funding which is coming in the fall. The program provides competitive grants to hire staff biologist, anthropologist, or educator to work with local rural organizations such as Tribe, local non-profit, or schools. The program is set up to build partnerships and local capacity for community based research, monitoring, and education and outreach related to subsistence fisheries and other matters related to subsistence.

Review and approve FY2017 Annual Report

The Council reviewed and approved the draft FY2017 Annual Report with some amendments and edits, adding some content and removing other detail to better reflect the Councils message and intent. All edits will be incorporated into the final Annual Report to be submitted to the Board.

Update on the Subsistence Regional Advisory Council Charter

The Charter centrally reflects the roles and responsibilities of the Council as it relates to Title 8 of ANILCA. The Council Charter is renewed and approved by the Secretary of Interior every two years and this year the new language was added to the Charter that are initiatives of interest to the current Department of Interior Secretary Zinke. The Secretaries office required insertion of this new language in all Federal Advisory Committee charters throughout the US but has no relevance to the roles and responsibilities of the Alaska Federal Subsistence Regional Advisory Councils. Ken Lord, Solicitor for the Federal Subsistence Program, responded via email during the meeting to the Councils concerns and re-confirmed for the Council that this new language is not relevant to the Federal Subsistence Program and has no effect on the Councils mandate.

Agency Reports

Gates of the Arctic National Park and Preserve. Marcy Okada, Subsistence Coordinator, provided updates and an overview of subsistence information for Gates of the Arctic National Park and Preserve and referenced reports provided in the meeting book.

Marcy covered issues such as park management and also shared wildlife research and monitoring activities, as well as updates on the Ambler Mining District Road.

Marcy provided an overview of the Ambler Mining District Road and Park Service involvement with communities in the EA process. The portion of the road that would go from the Dalton Highway west is quite a ways away from Anaktuvuk Pass. There is an ice road in the works as well. The Ambler Road route proposed through Gates of the Arctic is far from Anaktuvuk Pass. Esther said our traditional knowledge suggests an angled route, rather than a north to south. Marcy says no north to south route has been proposed. All proposed routes are east to west. Rosemary wants to lend support to Anaktuvuk Pass in their concerns regarding possible impacts to caribou herd migration routes as a direct result of the proposed road. Steve concurs, even though the “haul road” supposedly restricts public access, there is a lot of activity there and it impacts the migration routes. Our villages are off the road system. The cost of living makes our subsistence way of life essential.

The comment period for the Ambler Mining District Road project closed at the end of January. Tribal consultations and ANCSA Corporation consultation started in March. Marcy reported that so far Tribal consultations have occurred in the North Slope region with Point Hope in person and teleconference Tribal consultation meetings occurred with Nuiqsut, Wainwright, and Anaktuvuk Pass.

The Council discussed concerns about the Ambler Road impacts to the migration of the Western Arctic Caribou herd that so many communities in the region rely on for subsistence. The Council also discussed concerns about increased public access along the proposed road that may also impact subsistence activities and resources of rural communities in the region. Marcy reported that the Ambler Mining Road is proposed to run east to west and in addition to the EIS process the Park Service will be conducting an Economic impact assessment as well. Council member Steve Oomittuk reported that Point Hope very much appreciated the opportunity to meet with National Park Service Superintendent, Greg Dudgeon, to consult with the community on the proposed Ambler Mine Road. Steve stressed that the Western Arctic Caribou Herd is important to all communities across the range of the herd and concerns about any impacts to the herd’s migration route and increased access to the region via the proposed road. He highlighted the need to protect the subsistence way of life so that it can continue for the future generations. He stressed that “the animals give us our identity as a people and it is critical to ensure it never goes away.

Marcy provides updates on the NPS studies on GAAR bear research. Gate bears rely on salmon in Kobuk River arctic bear lower body fat – low resilience to adapt to perturbation.

Dall sheep survey were conducted in the park again and there are approximately 1000 sheep in the northern portion of Gates of the Arctic National Park from Anaktuvuk Pass to the Dalton Highway. These recent surveys suggest the sheep population has not recovered yet but there are no plans to restrict sheep harvest for the community of Anaktuvuk Pass. The park will continue to monitor sheep populations and have traveled to Anaktuvuk Pass to meet with the City Council and also meet individually with sheep hunters.

Marcy reported on the wolverine ecology project with Wildlife Conservation Society that is being conducted within the park. They are trying to get basic information about wolverine which is important for subsistence. The Council discussed concerns about radio collaring causing potential harm to animals and received further updates on the life box trap capture and safe release collar process. The Council discussed the importance of keeping communities informed of research activities and communications to avoid conflict. Marcy reported that they share information at community meetings and with the Anaktuvuk Pass City Council and met with trappers in the community and Marcy traveled with them. Local trappers shared local knowledge about the techniques they used to trap wolverine. Stacy Frits noted BLM processed the research permit and checked with Nuiqsut on the research as well.

Alaska Department of Fish and Game.

Western Arctic Caribou Herd. Ryan Klimstra, ADF&G wildlife biologist, provided the Council with an overview of the current status of the Western Arctic and Teshekpuk caribou herds and answered questions for the Council. New data overview shows that adult female and yearling recruitment is good and they are in good body condition. For the 2017 photo census the weather and caribou aggregations were not quite ideal but they still got good photos and imagery. The minimum herd count (actual count) for the WACH herd was 239,055 and adding other factors is estimated to be 259,000 plus or minus 26,779.

Teshekpuk Caribou Herd. The Teshekpuk Caribou herd overview showed good to average female and calf recruitment but low bull:cow ratio. The Teshekpuk herd Minimum (actual count is 56,000 and appears to be growing with good biological signs as well.

Ryan reported that they still need harvest data to better manage the caribou herds. He reported on the harvest data they have received thus far from the new State regulation RC907 caribou harvest registration permit in Units

Ryan showed maps of the Teshekpuk Herd seasonal range with the traditional core calving grounds right around Teshekpuk Lake and summer range on the North Slope coast. He noted in the winter time the herd never seems to do the same thing twice – it could be near Atkasuk or around Barrow or down in the Brooks Range. Counts for the Teshekpuk Herd are also underway using the new photo census system as well. There were 26 separate groups of the Teshekpuk herd but each was easy to photograph because they were tightly grouped due to the hot weather producing lots of insects this summer. Ryan reported that since 2016 the Teshekpuk Herd radio collar data indicated approximately 90% adult female survival which is really good. Yearling recruitment is around the 15% which is the long term average. Calving surveys indicated that calf production was high again this year at 71% which is also encouraging.

State Registration Hunt for caribou. Ryan updated the Council on the recent registration permit to hunt caribou in Unit 23 and 26A (RC907) that was implemented by the Board of Game and put into place July 1st this year. He noted that they are only six months into the regulatory year and at 570 permits distributed so far in game management Unit 23 and 26A. Ryan highlighted that about 94% of those permits were in unit 23 and 6% in Unit 26A. They have been putting a

lot of effort into outreach and permit distribution and have been partnering with others to do this as well.

The Council discussed that it is very important to participate and record harvest and know what communities harvest is and address user conflict issues and that if the caribou population is declining they all need to be part of solution. Council members also stressed that working closely with communities on this issue is instrumental. They stressed the importance of local control to protecting subsistence way of life and that the data needs to be shared with the community and presented carefully as to not be misleading when making land management decisions.

Central Arctic Caribou Herd. Beth Lenart, ADF&G wildlife biologist for the northeast portion of Alaska provided an update on the Central Arctic and Porcupine Caribou Herds. The Central Arctic Herd declined from a high of 68,000 caribou in 2010 to 23,000 in 2016.

Beth referenced the handout she provided on the Central Arctic Caribou herd and noted that the population estimate is approximately 28,000 - up from 2016 estimate. However she noted that the new data indicates that the herd is closer to stability rather than growing because of the calf mortality observed. Beth relayed that there is still some uncertainty due to not all animals seen on the landscape or capture in the photographs. She noted in some years the weather or aggregation were not good for photo census or at time the Central Arctic herd mixed with the Porcupine Caribou herd. In response to Council member questions Beth also noted they do monitor satellite collar data to observe caribou interactions with the Dalton Highway.

ADF&G recognized the decline of the Central Arctic caribou and the Board of Game enacted new State regulations following the decline in 2016. Because of this decline, the Board of Game did significantly reduce hunting opportunity in most of Unit 26B where transporters hunt and where a lot of the Haul Road hunters are. The bag limit was reduced from five caribou a year to two bulls a year for resident hunters. And then from five caribou a year to one bull per year for non-resident hunters from August 1st to September 15th. ADF&G implemented three percent harvest rate, and harvest of cows was eliminated. Beth also noted the estimated harvestable surplus to be 680 caribou. In response to this, the State Board of Game significantly reduced hunting opportunity in Unit 26B in the geographical area where non-local Alaska residents and non-residents most often hunt and allowed the season to remain liberal in the area where residents of Nuiqsut hunt. Regulations remain liberal in the geographic area around Nuiqsut so that the local community can still harvest the caribou they need.

They hope to continue to work with the Community of Nuiqsut but Beth also expressed she understands based on feedback from other longtime researchers in the region that Nuiqsut is very survey fatigued and they try to take that into consideration.

Porcupine Caribou Herd. Beth reported that the Porcupine Caribou Herd has grown substantially since the 2000. A photo census was completed in 2013 and estimated the herd at 197,000 caribou. Another photo census was completed this summer, 2017, and are still counting photos, but they anticipate numbers will likely be high. Beth noted that calving this year was

spread out across the coastal plain and also spread out throughout a pretty long period of time this year. It looked like calf survival was pretty high.

Beth highlighted that they also noticed that caribou distribution during calving and post-calving was off the coast and more in the foothills, similar to what Lee Kayotuk reported his observations to be during Council member reports. She noted that the biologists are seeing the same things that residents of Kaktovik were seeing.

Arctic National Wildlife Refuge. Vince Matthews, Subsistence Coordinator for Arctic National Wildlife Refuge presented the Council with an update and overview of subsistence and community based work within the Refuge and also provided a detailed written report for the Council. Vince highlighted that Steve Berenzen is now the new Refuge manager for Arctic National Wildlife Refuge, he had previously been the manager for Yukon Flats National Wildlife Refuge. A handout was provided on the porcupine caribou herd and updates on the international Porcupine Caribou Herd Management Board. The herd is still doing very well and population increasing with the latest photo census at over 218, 000 caribou. Surveys of Dall Sheep were conducted on the North side of the Brooks Range and some transects on the South side. Sheep abundance appears to be low from previous survey but the number of lambs is raising so population may be in recovery.

The Refuge issued two moose permits for Kaktovik this year for the harvest of 2 bull moose in the Kongakut River drainage. One moose was harvested so far.

Council member Lee Kayotuk noted that some muskox wintered on the Hulahula River this year. Vince reported that the muskox population is very low in the area and they don't seem to stick around on the Refuge. There is still no subsistence hunt until the population expands. Lee also enquired about the status of the Canadian population of Muskox because they had seen a large herd near the Canadian Border.

Council member Rosemary Ahtuanguaruak reported concerns from Nuiqsut about the seven muskox that got hit and many killed by vehicles on the Dalton Highway. She noted that it was a major hit to the conservation effort to lose seven muskox when trying to increase the population. The Council further discussed proactive measures to distribute any road killed muskox to local subsistence communities in need such as Kaktovik. Rosemary also noted that the muskox hide is used for traditional crafts and that Nuiqsut would be very interested in receiving the hide for use as blanket for snow machine sled and also the skin and fur is used in traditional mask making. She highlighted that muskox is a very special resource that is no longer accessible due to the hunting moratorium and asked for a way to set this distribution in advance or another potential road kill incident. Rosemary encouraged working with the local tribes to ensure meat and other resources were distributed to the communities in need.

Ryan Klimstra of ADF&G noted that road kill animals are considered the property of the State and it is a requirement to report to the Alaska State Wildlife Troopers of any road kill or injury. He noted that some areas like Anchorage and Fairbanks have a sign up list for road kill distribution but this was such a rare event on the Dalton Highway that it would need to be looked into.

Rosemary shared additional concerns along the Dalton Highway including increased recreational activity with the scenic byway designation and resulting potential impacts to caribou. She noted that many people from Nuiqsut travel the Dalton Highway as access from the community to Fairbanks and have observed an increase in jet boats and air boats putting in at the boat landing along the road. They are very concerned about these air boats getting access far into the interior and potentially deflecting caribou and other wildlife due to the extremely loud noise they generate. The Council discussed adding this to the next Annual Report and checking with the land managers on the status of the use of fan boats.

Bureau of Land Management NPR-A. Stacey Fritz, Anthropologist/Subsistence Specialist for the Bureau of Land Management Arctic District Office provided the Council with updates on permitted projects and EIS process within the NPR-A as well as the BLM Arctic District office involvement with the leasing plan for the 1002 area of the Arctic National Wildlife Refuge.

Stacey reported that the Tax Act of 2017 specified that the 1002 coastal plain area would be managed for oil and gas using NPR-A regulations. She noted that while the land is managed by the Fish and Wildlife Service (USFWS), BLM is involved because of the NPR-A regulations that are to be used. BLM is to organize two area wide lease sales within 10 years. The first lease sale will be within four years of the date that the Tax Act was enacted, and the second lease sale will be within seven years of that date. And each sale will offer at least 400,000 acres, and will include those areas that have the highest potential for petroleum development. The Council inquired about any plans for seismic testing in the 1002 area and Stacey noted that the process for how that would be handled with USFWS and BLM was still being worked out.

Stacey reported that the Secretary of the Interior also indicated that he would like to have a revision of the 2013 NPR-A integrated activity plan (IAP). The IAP EIS is the management plan for the entire NPR-A that determines which areas will be open for leasing and which areas will be temporarily closed, or special areas, such as the Teshekpuk Lake Special Area. The management plan revision is underway now. The Secretary also requested a lease sale of all available tracts, and that was held on December 7th, 2017.

The BLM intends to publish the Greater Moose's Tooth 2 EIS with a public comment period sometime soon but no dates have been finalized yet. BLM plans to hold public meeting and subsistence hearing during the comment periods in Utqiagvik, Atqasuk, Anaktuvuk Pass, and Nuiqsut.

Stacey provided an update on the Willow prospect master development plan. BLM intends to initiate a master development plan environmental impact statement that will be similar in scope to the Alpine Satellite development plan from 2004. That will evaluate development of the Willow oil prospect. BLM is in the preliminary stages of coordinating with Conoco Phillips, and is working to identify the list of cooperating agencies and will reach out to potential cooperating agencies with a formal invitation once a project proposal is submitted from the applicant. BLM has also given authorization for Conoco Phillips to do geotechnical exploration by drilling a few bore holes at the GMT-2 drill site.

Stacey also reported on the new streamlining NEPA Act which may apply to Environmental Impact Statements that BLM is currently working on. The Streamlining NEPA Act requires that the environmental impact statement must be completed within 12 months and the document would have to be fewer than 300 pages, not including appendices.

Stacey provide additional updates on remediation of the Wolf Creek well which will be plugged and abandoned, UIC Gravel mining plan south of Utqiagvik, Conoco Bear 3D Seismic Survey south of Nuiqsut.

The Council discussed the North Slope Villages Comprehensive Planning Effort. Rosemary noted near her village there has been a change in Federal land status from a conservation unit into a development unit. She said that this interrupts the planning process and the village was not consulted before the change was made and others are making land use decisions that impacts villages and removes protections.

Council member Rosemary Ahtuanguaruak expressed grave concern for the community of Nuiqsut which is being completely overwhelmed by all the many development and exploration projects just reported on by BLM. She stressed that every one of these projects permitted by BLM is impacting Nuiqsut and they are suffering from being cut off from access to their traditional subsistence areas. The community has to be diligent and keep communicating to ensure that subsistence needs are met and traditional grounds are protected. She expressed concern about the North Slope Borough engagement in the development permitting and that subsistence should be the top priority with direct communications with the community and Tribes. Rosemary stressed the people of Nuiqsut are being hurt by the surrounding development impacts to subsistence lands and waters and is deflecting the caribou away from the areas where the community traditionally hunts. She noted here own son had to travel over 300 miles away to hunt caribou this year. Rosemary asked for the help and support of the Council for the community, she feels like a lone voice and has to go back and report to her elders.

Office of Subsistence Management. Robbin Lavine, Anthropologist for the Office of Subsistence Management provided the Council with programmatic updates including recent staffing changes at OSM. She also provided updates on some of the Federal Subsistence regulatory processes waiting posting the Federal Register.

Future Meeting Dates

The Council reconfirmed conduct its fall 2018 meeting on August 21-22 and requested to meeting in Point Hope with special invitation from Council member Steve Oomittuk to share the unique subsistence way of life in his community. The Council stressed the critical importance of meeting in the villages and engaging directly with people to understand and address subsistence needs and concerns.

The Council selected the winter 2019 meeting dates and location of February 13-14, 2019 in Utqiagvik.

The Council shared closing comments prior to adjourning.

I certify to the best of my knowledge the forgoing minutes are accurate and complete.

Eva Patton, Designated Federal Officer
USFWS Office of Subsistence Management

Gordon Brower, Chair
North Slope Subsistence Regional Advisory Council

These minutes will be formally considered by the North Slope Subsistence Regional Advisory Council at its Fall 2018 public meeting. Any corrections or notations will be incorporated at that meeting.

DRAFT



Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

OSM 180045.CJ

JUL 02 2018

Mr. Gordon Brower, Chair
North Slope Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairman Brower:

The Federal Subsistence Board met on April 10-13, 2018 regarding proposed changes to subsistence wildlife regulations and customary and traditional use determinations. This letter and the enclosed report identify action taken on proposals affecting residents of the North Slope Region.

Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA) provides that the Board will accept the recommendations of a Regional Advisory Council regarding take unless (1) the recommendation is not supported by substantial evidence, (2) the recommendation violates recognized principles of fish and wildlife management, or (3) adopting the recommendation would be detrimental to the satisfaction of subsistence needs. When a Council's recommendation is not adopted, the Board is required by Secretarial regulations to set forth the factual basis and reasons for the decision. This letter and enclosure satisfy that requirement.

In total, the Board accepted the recommendations of the Regional Advisory Councils, in whole or with modifications, in 46 out of the 52 proposals where the Board took action. Details of these actions and the Board's deliberations are contained in the meeting transcripts. Copies of the transcripts may be obtained by calling our toll free number, 1-800-478-1456, and are available online at the Federal Subsistence Management Program website, <https://www.doi.gov/subsistence>.

The Board adopted the North Slope Subsistence Regional Advisory Council's (Council) recommendation on the following proposals: **WP18-32**, to align season dates for caribou in Units 21D, 22, 23, 24, 25A (west), 26A, and 26B (*rejected*); **WP18-41/42**, to modify moose hunting season dates, sex restrictions, hunt areas, establish a bull only season, and an any moose winter registration hunt with a set quote for Unit 23 (*adopted WP18-41, took no action on WP18-42*); **WP18-45**, to decrease harvest limit for caribou in Unit 23 (*rejected*); **WP18-48/49**, to establish a

Chairman Brower

2

registration hunt for caribou in Units 22, 23, and 26A (*adopted WP18-48, took no action on WP18-49*); and **WP18-56**, to open the Arctic Village Sheep Management Area in Unit 25A to the harvest of Dall sheep by non-Federally qualified users (*rejected*).

The Board's action differed from the Council's recommendations on the following proposals: **WP18-43**, to increase brown bear harvest limit and extend season in Unit 23 (*adopted with OSM modification*); **WP18-44**, to allow the sale of up to two raw/untanned brown bear hides (with claws attached) and/or skulls per regulatory year for brown bears in Unit 23 (*rejected*); **WP18-46/47**, to close Federal public lands in Unit 23 to caribou hunting except by Federally qualified subsistence users (*adopted WP18-46 with Council modifications and took no action on WP18-47*); **WP18-51**, to align Federal bear baiting restrictions with State regulations, specifically the use of biodegradable materials (*adopted with OSM modification*); **WP18-57**, to close Federal lands in Unit 26A and 26B to the hunting of caribou except to all but Federally qualified subsistence users (*rejected*). The Board's action on these proposals and justifications are discussed in the enclosed report.

The Federal Subsistence Board appreciates the North Slope Subsistence Regional Advisory Council's active involvement in and diligence with the regulatory process. The 10 Regional Advisory Councils continue to be the foundation of the Federal Subsistence Management Program, and the stewardship shown by the Regional Advisory Council chairs and their representatives at the Board meeting was noteworthy.

If you have any questions regarding the summary of the Board's actions, please contact Eva Patton, Subsistence Council Coordinator, at (907) 786-3358.

Sincerely,



Anthony Christianson
Chair

Enclosure

cc: Federal Subsistence Board
North Slope Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Jennifer Hardin, PhD, Subsistence Policy Coordinator, Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Administrative Record

FEDERAL SUBSISTENCE BOARD 805(c) REPORT

NORTH SLOPE REGIONAL PROPOSALS

Proposal WP18-57

DESCRIPTION: Proposal WP18-57, submitted by the North Slope Subsistence Regional Advisory Council, requested to close Federal lands in Unit 26A and 26B to the hunting of caribou except to all but Federally qualified subsistence users.

COUNCIL RECOMMENDATIONS:

Western Interior Alaska Subsistence Regional Advisory Council – **Oppose**
North Slope Alaska Subsistence Regional Advisory Council – **Support**

BOARD ACTION: Rejected

JUSTIFICATION: The Board stated that it appreciated the testimony from the North Slope Subsistence Regional Advisory Council but opposed the proposal referencing factors noted in the analysis on page 1375 to 1376 of the Federal Subsistence Board meeting book. In summary recent caribou conservation actions for the Western Arctic (WACH) and Teshekpuk (TCH) caribou herds enacted under both State and Federal regulations in 2015, and more recent State regulations enacted in response to the recent decline in the Central Arctic Caribou Herd (CACH) population, which eliminated the cow harvest, reduced the harvest from 5 caribou per day to 2 bull caribou for residents, and 1 bull caribou for nonresidents in Unit 26B remainder for 2017/2018 (while still maintaining liberal harvest opportunity near the geographic area around the community of Nuiqsut).

The Board stressed that these recently enacted conservation actions for these caribou herds need to be given time to determine if they are effective in supporting a population rebound. While the Western Arctic Caribou Herd has shown some recent improvements, the regulatory changes have been given little time to take effect and little time to evaluate their effectiveness in reversing recent declines among some of the affected herds. It is likely that closing the relatively small amount of Federal public lands in Unit 26B and closing Federal land in Unit 26A (in NPR-A) risks further concentrating would shift the hunters onto State land. Anaktuvuk Pass hunters are the most impacted by non-federally qualified subsistence users hunting nearby, many of whom hunt on State land north, northeast, and northwest of the community. Further, non-Federally qualified users would likely continue to hunt caribou from the CACH or Porcupine Herd on State lands in Unit 26B. Subsequently, the effects of hunting intensity and motorized vehicle use along the Dalton highway corridor would likely not alleviate the Council's concerns that these activities alter caribou migration in the area. Closing the Federal lands now will not produce a desired conservation effect and will likely increase user conflicts on the State lands that will remain open by shifting users to those lands.

Under ANILCA §815.3 and the Board's Closure Policy, the Board may adopt closures to hunting by non-Federally qualified users if it is necessary for the conservation of healthy wildlife populations or continuation of subsistence uses of wildlife populations by Federally qualified subsistence users. The number of caribou harvested by non-Federally qualified subsistence users is not biologically significant for the WACH and TCH in Unit 26A. However, caribou harvest by non-federally qualified subsistence users in Unit 26B from the CACH was considered to potentially have more significant consequences for that herd, which have now been addressed with newly enacted State regulations for 2017/2018. The goals of these new State regulations for the CACH are to reduce the overall caribou harvest from 930 to 680 and reduce the cow harvest from 202 to no more than 75. Alaska Department of Fish and Game harvest and population objectives are very specific, and they expect to meet the newly proposed harvest objectives this year. The Board recommends that these changes take effect in lieu of enacting additional regulations.

Additionally, the Board noted that the Western Interior Alaska Subsistence Regional Advisory Council opposed this proposal citing similar justifications.

CROSSOVER PROPOSALS

Proposal WP18-43

DESCRIPTION: Proposal WP18-43, submitted by the Northwest Arctic Subsistence Regional Advisory Council, requested that the Unit 23 brown bear harvest limit be increased from one to three bears and that the season be extended to year-round.

COUNCIL RECOMMENDATIONS:

Western Interior Alaska Subsistence Regional Advisory Council – **Support with OSM modification**

Northwest Arctic Subsistence Regional Advisory Council – **Support**
North Slope Subsistence Regional Advisory Council – **Support**

BOARD ACTION: **Adopted with OSM modification**

JUSTIFICATION: The Board's rationale for adopting the proposal as modified was that it would provide increased subsistence opportunity, while also being conservative in allowing increased harvest due to uncertainties about the population. Thus, adopting the Office of Subsistence Management (OSM) modification rather than the original proposal as the Northwest Arctic and North Slope Councils recommended is consistent with sound wildlife management principles.

Proposal WP18-44

DESCRIPTION: Proposal WP18-44, submitted by the Northwest Arctic Subsistence Regional Advisory Council, requested regulations allowing the sale of up to two raw/ untanned brown bear hides (with claws attached) and/or skulls per regulatory year, from brown bears legally harvested by Federally qualified subsistence users on Federal public lands in Unit 23.

COUNCIL RECOMMENDATIONS:

North Slope Subsistence Regional Advisory Council – **Support with modification** to create a general season for brown bears in Unit 23 and authorize the customary trade of brown bear hides and skulls in Unit 23.

Northwest Arctic Subsistence Regional Advisory Council – **Support with modification** to create a general season for brown bears in Unit 23 and authorize the customary trade of brown bear hides and skulls in Unit 23.

Western Interior Alaska Subsistence Regional Advisory Council – **No action taken**

BOARD ACTION: **Rejected**

JUSTIFICATION: The Board agreed with the OSM justification for rejecting the proposal. Black markets for illegally acquired brown bear parts are known to encourage poaching. Increasing market availability for brown bear parts may intensify illegal harvest.

The Board also noted there is insufficient evidence that residents of Unit 23 have an established pattern of customary trade involving brown bear hides and skulls and few residents of Unit 23 harvest brown bears under the Federal subsistence regulation due to meat salvage and sealing requirements.

The lack of a component to the proposal that would require a permit for sale in line with State regulations was also a factor.

Proposal WP18-46/47

DESCRIPTION: Proposal WP18-46, submitted by the Western Arctic Caribou Herd Working Group, requested that Federal public lands in Unit 23 be closed to caribou hunting except by Federally qualified subsistence users.

COUNCIL RECOMMENDATIONS:

Western Interior Alaska Subsistence Regional Advisory Council – **Support with modification** to close within a 10-mile corridor along the Noatak River from the western boundary of the Noatak National Preserve upstream to the confluence of the Cutler River and provide for a closure only through September 21.

Seward Peninsula Subsistence Regional Advisory Council – **Support with modification** to close within a 10-mile corridor along the Noatak River from the western boundary of the Noatak National Preserve upstream to the confluence of the Cutler River.

Northwest Arctic Subsistence Regional Advisory Council – **Support with modification** to close within a 10-mile corridor along the Noatak River from the western boundary of the Noatak National Preserve upstream to the confluence of the Cutler River.

North Slope Subsistence Regional Advisory Council – **Support**

BOARD ACTION: Adopted with the Northwest Arctic and Seward Peninsula Councils' modification

JUSTIFICATION: The action is consistent with the latest recommendations of the Northwest Arctic and Seward Peninsula Councils and the Western Arctic Caribou Herd Working Group. The Map 11 closure area is smaller than the closed area proposed in the OSM recommendation to modify Proposal 18-46. It, nonetheless, represents a reasonable compromise to a complex problem. A targeted closure, especially with recent population data, represents a more appropriate approach under the requirements of the Closure Policy. Thus, accepting the North Slope Council's recommendation for a complete closure is contrary to recognized principles of wildlife management and the Board's own policies.

The lands north of the Noatak River between and including the drainages of the Kelly and the Nimiuktuk Rivers would remain open. These are National Park Service (NPS)-managed lands and the western part of the proposed area is currently being managed by NPS as a special management area which limits the dates of access into the area by commercial big game transporters operating under NPS commercial use authorization permits. The NPS restrictions would also apply on areas within the river corridor.

The Board did not discuss the Western Interior Council's additional recommendation for modification that the closure only extend to September 21.

STATEWIDE PROPOSALS

FP 18-51

DESCRIPTION: Proposal WP18-51, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council, requested that Federal (statewide) bear baiting restrictions be aligned with State regulations, specifically the use of biodegradable materials.

COUNCIL RECOMMENDATIONS:

Eastern Interior Alaska Subsistence Regional Advisory Council – **Support with OSM modification**

Southeast Alaska Subsistence Regional Advisory Council – **Support with OSM modification**

Southcentral Alaska Subsistence Regional Advisory Council – **Support with OSM modification**

Kodiak/Aleutians Subsistence Regional Advisory Council – **No action taken**

Bristol Bay Subsistence Regional Advisory Council – **Support with OSM modification**

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council – **Support**

Western Interior Alaska Subsistence Regional Advisory Council – **Support with OSM modification**

Seward Peninsula Subsistence Regional Advisory Council – **Support with OSM modification**

Northwest Arctic Subsistence Regional Advisory Council – **Support with OSM modification**

North Slope Subsistence Regional Advisory Council – **Support**

BOARD ACTION: **Adopted with OSM modification**

JUSTIFICATION: The use of biodegradable baits is already permitted as a form of baiting. Aligning State and Federal regulations will reduce this confusion. Defining scent lures will clarify the regulation and, again, reduce the potential for what we see as may be harmful or inappropriate use of other materials that are non-biodegradable. In adopting the OSM modification rather than the proposal as submitted, the Board's action differs from the recommendation of the Yukon-Kuskokwim Delta and North Slope Subsistence Regional Advisory Councils. However, as both of those Councils supported adopting the proposal, and the proposal was adopted with only minor modifications to provide clarity to users, the adoption with modification does not meaningfully intrude upon the Councils' recommendations.

ANNUAL REPORTS

Background

ANILCA established the Annual Reports as the way to bring regional subsistence uses and needs to the Secretaries' attention. The Secretaries delegated this responsibility to the Board. Section 805(c) deference includes matters brought forward in the Annual Report.

The Annual Report provides the Councils an opportunity to address the directors of each of the four Department of Interior agencies and the Department of Agriculture Forest Service in their capacity as members of the Federal Subsistence Board. The Board is required to discuss and reply to each issue in every Annual Report and to take action when within the Board's authority. In many cases, if the issue is outside of the Board's authority, the Board will provide information to the Council on how to contact personnel at the correct agency. As agency directors, the Board members have authority to implement most of the actions which would effect the changes recommended by the Councils, even those not covered in Section 805(c). The Councils are strongly encouraged to take advantage of this opportunity.

Report Content

Both Title VIII Section 805 and 50 CFR §100.11 (Subpart B of the regulations) describe what may be contained in an Annual Report from the Councils to the Board. This description includes issues that are not generally addressed by the normal regulatory process:

- an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
- an evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;
- a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and
- recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

Please avoid filler or fluff language that does not specifically raise an issue of concern or information to the Board.

Report Clarity

In order for the Board to adequately respond to each Council's annual report, it is important for the annual report itself to state issues clearly.

- If addressing an existing Board policy, Councils should please state whether there is something unclear about the policy, if there is uncertainty about the reason for the policy, or if the Council needs information on how the policy is applied.
- Council members should discuss in detail at Council meetings the issues for the annual report and assist the Council Coordinator in understanding and stating the issues clearly.

- Council Coordinators and OSM staff should assist the Council members during the meeting in ensuring that the issue is stated clearly.

Thus, if the Councils can be clear about their issues of concern and ensure that the Council Coordinator is relaying them sufficiently, then the Board and OSM staff will endeavor to provide as concise and responsive of a reply as is possible.

Report Format

While no particular format is necessary for the Annual Reports, the report must clearly state the following for each item the Council wants the Board to address:

1. Numbering of the issues,
2. A description of each issue,
3. Whether the Council seeks Board action on the matter and, if so, what action the Council recommends, and
4. As much evidence or explanation as necessary to support the Council's request or statements relating to the item of interest.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Arctic District Office
222 University Avenue
Fairbanks, Alaska 99709-3816
www.blm.gov/alaska

RECEIVED

JUN 21 2018

In Reply Refer to:
8160 (LLAKF010)

Gordon Brower, North Slope Subsistence Regional Advisory Council Chair
C/o Eva Patton
U.S. Fish & Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, AK 99503-6199

Dear North Slope Regional Advisory Council Chair Brower and Members:

The Bureau of Land Management's (BLM) *Draft Supplemental Environmental Impact Statement for the Alpine Satellite Development Plan for the Proposed Greater Mooses Tooth Two Development Project* was announced in the *Federal Register* with a Notice of Availability published on March 29, 2018. The Notice of Availability also served to announce the findings of the Alaska National Interest Lands Conservation Act (ANILCA) Section 810 analysis.

This analysis found that three of the proposed Alternatives as presented within the Draft EIS may significantly restrict subsistence use for the community of Nuiqsut. The analysis also found that the cumulative effects may significantly restrict subsistence use for the communities of Anaktuvuk Pass, Atqasuk, Nuiqsut, and Utqiagvik. This finding is due to the potential that reasonably foreseeable future actions (i.e., planned onshore and offshore activities oil development), when considered together with the GMT2 project and other existing development, could result in a significant alteration in the distribution of resources, and a significant restriction on access by subsistence users.

As a result of this finding, the BLM held ANILCA 810 hearings in the communities of: Anaktuvuk Pass, Atqasuk, Nuiqsut, and Utqiagvik. The BLM is currently incorporating input received from these hearings into our analysis, and will use the information to inform the final determinations required by ANILCA 810(a)(3).

**If you have questions about the ANILCA 810 analysis or the NEPA process, please call
Stephanie Rice, BLM-Alaska Project Lead at (907) 271-3202.**

Sincerely,



**Sarah LaMarr
Assistant Arctic District Manager**

**cc: Eva Patton, Coordinator
Gordon Brower Jr., Chair
Wanda Kippi
Rosemary Ahtuanguak
Robert V. Shears
Esther S. Hugo
Steve Oomituk
Lee Kayotuk
Frederick Neakok
Jerry Sikvayugak**

Winter 2019 Regional Advisory Council Meeting Calendar

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

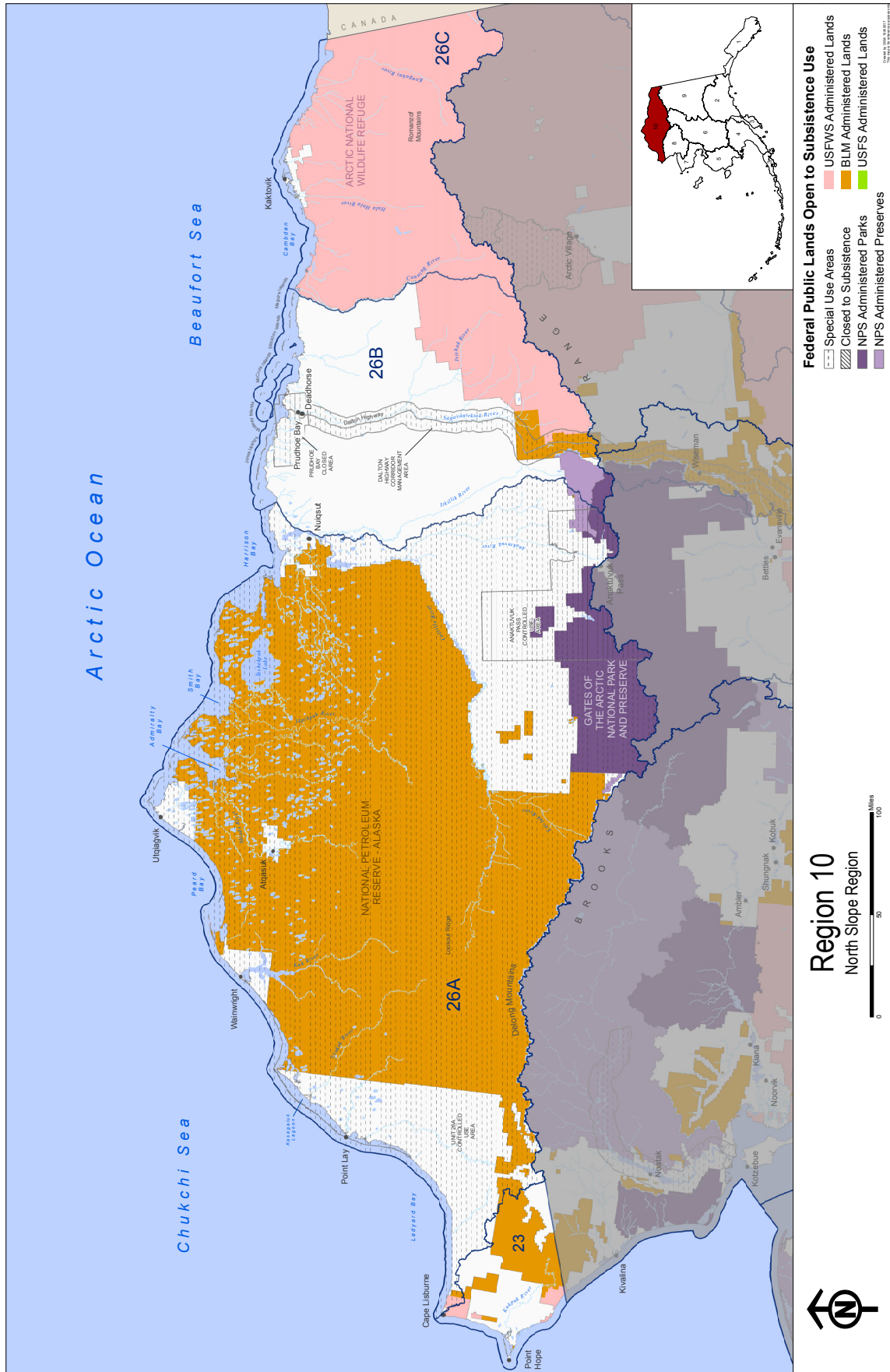
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 3</i>	<i>Feb. 4</i> <i>Window Opens</i>	<i>Feb. 5</i> BB — Naknek	<i>Feb. 6</i>	<i>Feb. 7</i>	<i>Feb. 8</i>	<i>Feb. 9</i>
<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i> SE — Wrangell	<i>Feb. 13</i> NS — Utqiagvik	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>
<i>Feb. 17</i>	<i>Feb. 18</i> PRESIDENT'S DAY HOLIDAY	<i>Feb. 19</i>	<i>Feb. 20</i> WI — Anchorage	<i>Feb. 21</i> KA — Kodiak	<i>Feb. 22</i>	<i>Feb. 23</i>
<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i> SC — Anchorage	<i>Feb. 27</i> NWA — Kotzebue	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>
<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i> EI — Fairbanks	<i>Mar. 6</i> SP — Nome	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>
<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i> YKD — Bethel	<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i> <i>Window Closes</i>	<i>Mar. 16</i>

Fall 2019 Regional Advisory Council Meeting Calendar

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Aug. 18</i>	<i>Aug. 19</i>	<i>Aug. 20</i>	<i>Aug. 21</i>	<i>Aug. 22</i>	<i>Aug. 23</i>	<i>Aug. 24</i>
<i>Aug. 25</i>	<i>Aug. 26</i>	<i>Aug. 27</i>	<i>Aug. 28</i>	<i>Aug. 29</i>	<i>Aug. 30</i>	<i>Aug. 31</i>
<i>Sept. 1</i>	<i>Sept. 2</i> LABOR DAY HOLIDAY	<i>Sept. 3</i>	<i>Sept. 4</i>	<i>Sept. 5</i>	<i>Sept. 6</i>	<i>Sept. 7</i>
<i>Sept. 8</i>	<i>Sept. 9</i>	<i>Sept. 10</i>	<i>Sept. 11</i>	<i>Sept. 12</i>	<i>Sept. 13</i>	<i>Sept. 14</i>
<i>Sept. 15</i>	<i>Sept. 16</i>	<i>Sept. 17</i>	<i>Sept. 18</i>	<i>Sept. 19</i>	<i>Sept. 20</i>	<i>Sept. 21</i>
<i>Sept. 22</i>	<i>Sept. 23</i>	<i>Sept. 24</i>	<i>Sept. 25</i>	<i>Sept. 26</i>	<i>Sept. 27</i>	<i>Sept. 28</i>
<i>Sept. 29</i>	<i>Sept. 30</i>	<i>Oct. 1</i>	<i>Oct. 2</i>	<i>Oct. 3</i>	<i>Oct. 4</i>	<i>Oct. 5</i>
<i>Oct. 6</i>	<i>Oct. 7</i>	<i>Oct. 8</i>	<i>Oct. 9</i>	<i>Oct. 10</i>	<i>Oct. 11</i>	<i>Oct. 12</i>
<i>Oct. 13</i>	<i>Oct. 14</i> COLUMBUS DAY HOLIDAY	<i>Oct. 15</i>	<i>Oct. 16</i>	<i>Oct. 17</i>	<i>Oct. 18</i>	<i>Oct. 19</i>
<i>Oct. 20</i>	<i>Oct. 21</i>	<i>Oct. 22</i>	<i>Oct. 23</i>	<i>Oct. 24</i>	<i>Oct. 25</i>	<i>Oct. 26</i>
<i>Oct. 27</i>	<i>Oct. 28</i>	<i>Oct. 29</i>	<i>Oct. 30</i>	<i>Oct. 31</i>	<i>Nov. 1</i>	<i>Nov. 2</i>
<i>Nov. 3</i>	<i>Nov. 4</i>	<i>Nov. 5</i>	<i>Nov. 6</i>	<i>Nov. 7</i>	<i>Nov. 8</i>	<i>Nov. 9</i>

AFN — Fairbanks



INTRODUCTION TO ANILCA

Alaska is the largest state in the country with a land area of 375 million acres and one-third of the coastal shoreline of the nation. Within its borders lie significant natural, scenic, historical, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife resources. The American people face an enormous challenge when they and their elected officials try to strike a delicate balance between preservation and development of these resources. Only through this balance will both present and future generations of Americans be beneficiaries of Alaska's vast wealth.

The U.S. Congress has consistently confronted the long-standing, unresolved issues of Native Alaskan land claims, subsistence lifestyles, energy development, economic growth, and transportation planning. Congress continues to enact legislative solutions. Among other things, these solutions affect the five national conservation systems in Alaska—the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Wilderness Preservation System and the National Forest System. Congress also attempted to ensure that the implementation of the Alaska Native Claims Settlement Act (ANCSA, 43 U.S.C. 1601-1629e) and the development of Alaska's commerce, energy resources, and transportation systems would be planned for in an orderly fashion.

Spanning three administrations and five sessions of Congress, what had been called the "Alaska lands bill" was enacted into law on December 2, 1980 as the *Alaska National Interest Lands Conservation Act* (ANILCA) P.L. 96-487. Congress and the administration spent nearly nine years (1971–1980) developing this legislation. As the agency most involved with administering Federal lands, the Department of the Interior was given the responsibility to propose and to implement most of the legislation which would affect the present and, ultimately, the future of Alaska. However, a number of different Federal agencies, as well as the State of Alaska, Alaska Native groups, and other interested organizations and individuals were involved in the overall process by which legislative proposals were shaped into law through hearings in the Houses of Congress, and other forms of public participation.

The origins of ANILCA date back to the late 1950s when the Territory of Alaska became the 49th state. The *Alaska Statehood Act* of 1958 authorized the newly established state to select (over time) 104 million acres from the total 375 million acre land area as an economic base.

On December 18, 1971, Congress passed the *Alaska Native Claims Settlement Act* (ANCSA) which recognized and settled the long-contested rights of Alaska Natives by granting them the right to select approximately 44 million acres of Federal land in Alaska. The Act also afforded the Secretary of the Interior the opportunity to designate new natural, cultural, recreational, and wildlife areas in the nation. Section 17(d)(2) of ANCSA authorized the Secretary to withdraw 80 million acres of land during the next two years to be studied for possible additions to the National Park, National Wildlife Refuges, National Wild and Scenic Rivers, and the National Forest Systems. The deadline for the Secretary's withdrawal action was December 18, 1973.

On December 17, 1973, the legislative proposals resulting from these “d-2” studies were submitted to Congress. Following receipt of this legislation, Congress had five years—until December 17, 1978—to act.

In October 1978, the 95th Congress adjourned without enacting the proposed legislation, although a great deal of progress had been made toward passing a comprehensive Alaska lands bill. The House had successfully passed Alaska legislation on May 19, 1978 by a vote of 277-31. A bill had been reported out of the Senate Energy and Natural Resources Committee. Lack of time prevented final passage of an Alaska lands act.

To prevent the withdrawal status of the lands included in the proposed legislation from terminating on December 17, 1978, the Secretary of the Interior exercised his authority under Section 204(e) of the *Federal Land Policy and Management Act*. On November 16, 1978, the Secretary withdrew 105 million acres of Federal public lands in Alaska for a three-year period, expiring on November 19, 1981. The Secretary of Agriculture withdrew an additional 11 million acres under Section 204(b) of FLPMA over a two-year period.

On December 1, 1978, the President withdrew by proclamation over 55 million acres of Alaskan land and designated them as National Monuments, to be administered by the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service.

The Secretary of Interior, on February 12, 1980, withdrew 40 million acres of land for a period of 20 years under the authority of FLPMA to extend the three-year withdrawals that were scheduled to expire in November 1981.

Finally, in the last days of the 96th Congress, the President signed the *Alaska National Interest Lands Conservation Act* on December 2, 1980, after extensive debate and final passage by Congress.

Since then, the following public laws have been passed amending the original legislation: P.L. 97-394, P.L. 97-468, P.L. 98-620, P.L. 99-235, P.L. 99-644, P.L. 100-203, and P.L. 100-241.

The following copy of ANILCA, Title VIII has changes through February 3, 1988 (P.L. 100-241).

Title VIII of ANILCA

TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

FINDINGS

SEC. 801. Findings.

SEC. 802. Policy.

- SEC. 803. Definitions.
- SEC. 804. Preference for subsistence use.
- SEC. 805. Local and regional participation.
- SEC. 806. Federal monitoring.
- SEC. 807. Judicial enforcement.
- SEC. 808. Park and park monument subsistence resource commissions.
- SEC. 809. Cooperative agreements.
- SEC. 810. Subsistence and land use decisions.
- SEC. 811. Access.
- SEC. 812. Research.
- SEC. 813. Periodic reports.
- SEC. 814. Regulations.
- SEC. 815. Limitations, savings clauses.
- SEC. 816. Closure to subsistence uses.

FINDINGS

SEC. 801. The Congress finds and declares that

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

(3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

(4) to fulfill the policies and purposes of the *Alaska Native Claims Settlement Act* and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation, protection and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

POLICY

SEC. 802. It is the policy of Congress that—

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the use of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to Titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska; when it is necessary to restrict taking to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population, the taking of such population for nonwasteful subsistence uses shall be given preference on the public lands over other consumptive uses; and

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.

DEFINITIONS

SEC. 803. As used in this Act, the term “subsistence uses” means the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption, for barter, or sharing for personal or family consumption; and for customary trade. For the purposes of this section, the term—

(1) “**family**” means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) “**barter**” means the exchange of fish or wildlife or their parts, taken for subsistence uses—

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

PREFERENCE FOR SUBSISTENCE USE

SEC. 804. Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:

(1) customary and direct dependence upon the populations as the mainstay of livelihood;

(2) local residency; and

(3) the availability of alternative resources.

LOCAL AND REGIONAL PARTICIPATION

SEC. 805. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary in consultation with the State shall establish—

(1) at least six Alaska subsistence resource regions which taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region. Each regional advisory council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation pursuant to the provisions of this title in the decision making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(D) the preparation of an Annual Report to the Secretary which shall contain—

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c) The Secretary, in performing his monitoring responsibility pursuant to section 806 and in the exercise of his closure and other administrative authority over the public lands, shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses. The Secretary may choose not to follow any recommendation which he determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation is not adopted by the Secretary, he shall set forth the factual basis and the reasons for his decision.

(d) The Secretary shall not implement subsections (a), (b), and (c) of this section if within one year from the date of enactment of this Act the State enacts and implements laws of general applicability which are consistent with, and which provide for the definition, preference and participation specified in, sections 803, 804, and 805, such laws unless and until repealed, shall supersede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

(e)(1) The Secretary shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for reasonable costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to paragraph (2) of subsection (a). Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

(2) Total payments to the State under this subsection shall not exceed the sum of \$5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection are adequate to ensure the effectiveness of the program established by the State to provide the preference for subsistence uses of fish and wildlife set forth in section 804.

FEDERAL MONITORING

SEC. 806. The Secretary shall monitor the provisions by the State of the subsistence preference set forth in section 804 and shall advise the State and the Committee on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives and the Committees on Energy and Natural Resources and Environment and Public Works of the Senate annually and at such other times as he deems necessary of his views on the effectiveness of the implementation of this title including the State's provision of such preference, any exercise of his closure or other administrative authority to protect subsistence resources or uses, the views of the State, and any recommendations he may have.

JUDICIAL ENFORCEMENT

SEC. 807. (a) Local residents and other persons and organizations aggrieved a failure of the State or the Federal Government to provide for the priority for subsistence uses set forth in section 804 (or with respect to the State as set forth in a State law of general applicability if the State has fulfilled the requirements of section 805(d)) may, upon exhaustion of any State or Federal (as appropriate) administrative remedies which may be available, file a civil action in the United States District Court for the District of Alaska to require such actions to be taken as are necessary to provide for the priority.

In a civil action filed against the State, the Secretary may be joined as a party to such action. The court may grant preliminary injunctive relief in any civil action if the granting of such relief is appropriate under the facts upon which the action is based. No order granting preliminary relief shall be issued until after an opportunity for hearing. In a civil action filed against the State, the court shall provide relief, other than preliminary relief, by directing the State to submit regulations which satisfy the requirements of section 804 when approved by the court, such regulations shall be incorporated as part of the final judicial order, and such order shall be valid only for such period of time as normally provided by State law for the regulations at issue. Local residents and other persons and organizations who are prevailing parties in an action filed pursuant to this section shall be awarded their costs and attorney's fees.

(b) A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.

(c) This section is the sole Federal judicial remedy created by this title for local residents and other residents who, and organizations which, are aggrieved by a failure of the State to provide for the priority of subsistence uses set forth in section 804.

PARK AND PARK MONUMENT SUBSISTENCE RESOURCE COMMISSIONS

SEC. 808. (a) Within one year from the date of enactment of this Act the Secretary and the Governor shall each appoint three members to a subsistence resource commission for each national park or park monument within which subsistence uses are permitted by this Act. The regional advisory council established pursuant to section 805 which has jurisdiction within the area in which the park or park monument is located shall appoint three members to the commission each of whom is a member of either the regional advisory council or a local advisory committee within the region and also engages in subsistence uses within the park or park monument. Within eighteen months from the date of enactment of this Act, each commission shall devise and recommend to the Secretary and the Governor a program for subsistence hunting within the park or park monument. Such program shall be prepared using technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly or separately by the technical and administrative personnel of the State and the Department of Interior, information submitted by, and after consultation with the appropriate local advisory committees and regional advisory councils, and any testimony received in a public hearing or hearings held by the commission prior to preparation of the plan at a convenient location or locations in the vicinity of the park or park monument. Each year

thereafter, the commission, after consultation with the appropriate local committees and regional councils, considering all relevant data and holding one or more additional hearings in the vicinity of the park or park monument, shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which the commission deems necessary.

(b) The Secretary shall promptly implement title program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendations violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or park monument, is contrary to the purposes for which the park or park monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents. Upon notification by the Governor, the Secretary shall take no action on a submission of a commission for sixty days during which period he shall consider any proposed changes in the program or recommendations submitted by the commission which the Governor provides him.

(c) Pending the implementation of a program under subsection (a) of this section, the Secretary shall permit subsistence uses by local residents in accordance with the provisions of this title and other applicable Federal and State law.

COOPERATIVE AGREEMENTS

SEC. 809. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

SUBSISTENCE AND LAND USE DECISIONS

SEC. 810. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

- (1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;
- (2) gives notice of, and holds, a hearing in the vicinity of the area involved; and
- (3) determines that—(A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the *National Environmental Policy Act*, he shall provide the notice and

hearing and include the findings required by subsection (a) as part of such environmental impact statement.

(c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the *Alaska Statehood Act* or the *Alaska Native Claims Settlement Act*.

(d) After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.

ACCESS

SEC. 811. (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

RESEARCH

SEC. 812. The Secretary, in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands, seek data from, consult with and make use of, the special knowledge of local residents engaged in subsistence uses; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 805, and other appropriate persons and organizations.

PERIODIC REPORTS

SEC. 813. Within four years after the date of enactment of this Act and within every three-year period thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives on the implementation of this title. The report shall include—

(1) an evaluation of the results of the monitoring undertaken by the Secretary as required by section 806;

(2) the status of fish and wildlife populations on public lands that are subject to subsistence uses;

(3) a description of the nature and extent of subsistence uses and other uses of fish and wildlife on the public lands;

(4) the role of subsistence uses in the economy and culture of rural Alaska;

(5) comments on the Secretary's report by the State, the local advisory councils and regional advisory councils established by the Secretary or the State pursuant to section 805, and other appropriate persons and organizations;

(6) a description of those actions taken, or which may need to be taken in the future, to permit the opportunity for continuation of activities relating to subsistence uses on the public lands;

(7) such other recommendations the Secretary deems appropriate.

A notice of the report shall be published in the Federal Register and the report shall be made available to the public.

REGULATIONS

SEC. 814. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title.

LIMITATIONS, SAVINGS CLAUSES

SEC. 815. Nothing in this title shall be construed as—

(1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978, or enlarging or diminishing the Secretary's authority to manipulate habitat on any portion of the public lands;

(3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including the— National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927- 16 U.S.C. 668dd-jj), National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4), Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187), Endangered Species Act of 1973 (87 Stat. 884 16 U.S.C. 1531-1543), Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361-1407), Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a-754), Migratory Bird Treaty Act (40 Stat. 755;16 U.S.C. 703-711), Federal Aid in Wildlife Restoration Act (50 Stat. 917- 16 U.S.C. 669-669i), Fishery Conservation and Management Act of 1976 (90 Stat. 331;16 U.S.C. 1801-1882), Federal Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777K), or any amendments to any one or more of such Acts.

CLOSURE TO SUBSISTENCE USES

SEC. 816. (a) All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

(b) Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

**Department of the Interior
U. S. Fish and Wildlife Service**

North Slope Subsistence Regional Advisory Council

Charter

- 1. Committee's Official Designation.** The Council's official designation is the North Slope Subsistence Regional Advisory Council (Council).
- 2. Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3115 (1988)), and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is regulated by the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.
- 3. Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
- 4. Description of Duties.** Council duties and responsibilities, where applicable, are as follows:
 - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decision-making process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
- e. Appoint one member to the Gates of the Arctic National Park Subsistence Resource Commission in accordance with Section 808 of the ANILCA.
- f. Make recommendations on determinations of customary and traditional use of subsistence resources.
- g. Make recommendations on determinations of rural status.
- h. Provide recommendations on the establishment and membership of Federal local advisory committees.
- i. Provide recommendations for implementation of Secretary's Order 3347: Conservation Stewardship and Outdoor Recreation, and Secretary's Order 3356: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. Recommendations shall include, but are not limited to:
 - (1) Assessing and quantifying implementation of the Secretary's Orders, and recommendations to enhance and expand their implementation as identified;
 - (2) Policies and programs that:
 - (a) increase outdoor recreation opportunities for all Americans, with a focus on engaging youth, veterans, minorities, and other communities that traditionally have low participation in outdoor recreation;
 - (b) expand access for hunting and fishing on Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service lands in a manner that respects the rights and privacy of the owners of non-public lands;
 - (c) increase energy, transmission, infrastructure, or other relevant projects while avoiding or minimizing potential negative impacts on wildlife; and
 - (d) create greater collaboration with states, tribes, and/or territories.

- j. Provide recommendations for implementation of the regulatory reform initiatives and policies specified in section 2 of Executive Order 13777: Reducing Regulation and Controlling Regulatory Costs; Executive Order 12866: Regulatory Planning and Review, as amended; and section 6 of Executive Order 13563: Improving Regulation and Regulatory Review. Recommendations shall include, but are not limited to:

Identifying regulations for repeal, replacement, or modification considering, at a minimum, those regulations that:

- (1) eliminate jobs, or inhibit job creation;
- (2) are outdated, unnecessary, or ineffective;
- (3) impose costs that exceed benefits;
- (4) create a serious inconsistency or otherwise interfere with regulatory reform initiative and policies;
- (5) rely, in part or in whole, on data or methods that are not publicly available or insufficiently transparent to meet the standard for reproducibility; or
- (6) derive from or implement Executive Orders or other Presidential and Secretarial directives that have been subsequently rescinded or substantially modified.

At the conclusion of each meeting or shortly thereafter, provide a detailed recommendation meeting report, including meeting minutes, to the Designated Federal Officer (DFO).

- 5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
- 6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
- 7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$160,000, including all direct and indirect expenses and 1.0 staff years.
- 8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:

- (a) Approve or call all of the advisory committee's and subcommittees' meetings;
 - (b) Prepare and approve all meeting agendas;
 - (c) Attend all committee and subcommittee meetings;
 - (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and
 - (e) Chair meetings when directed to do so by the official to whom the advisory committee reports.
9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will be inactive 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

Ten members who are knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and who are residents of the Region represented by the Council.

To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that seven of the members (70 percent) represent subsistence interests within the Region and three of the members (30 percent) represent commercial and sport interests within the Region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture.

Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

Council members will elect a Chair, Vice-Chair, and Secretary for a 1-year term.

Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFOs approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

DEC 0 1 2017

Date Signed

DEC 0 4 2017

Date Filed

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